

Introduced by Senator Bowen

February 22, 2005

An act to add Section 3003 to the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1028, as introduced, Bowen. Hunting: computer-assisted remote hunting.

Existing law sets forth the methods and conditions of taking any bird or mammal and specifies that it is unlawful to take birds or mammals with firearms or with bow and arrow when intoxicated. Existing law also requires each person that takes birds or mammals in California to apply for, and be granted, a hunting license.

This bill would make it unlawful for any person subject to the jurisdiction of this state to take birds or mammals, located both in state and out of state, by means of computer-assisted remote hunting, as defined. The bill would also make it unlawful to establish or operate a computer-assisted remote hunting site in this state for the purpose of permitting the taking of any bird or mammal. This bill would make it unlawful to possess or confine any bird or mammal in furtherance of an activity prohibited by the bill, and would also make it unlawful to import or export any bird or mammal, or any part thereof, taken by computer-assisted remote hunting, as provided.

This bill would specify that any bird or mammal possessed in violation of this bill would be subject to seizure by the Department of Fish and Game.

This bill would make legislative findings and declarations relating to computer-assisted remote hunting.

Existing law generally provides that a violation of the fish and game laws is a crime.

This bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) California hunting licenses are valid only within the state
4 of California, and may not be used to take animals located in
5 other states.

6 (2) Any person issued a California hunting license must
7 comply with the laws and regulations of California.

8 (3) A violation of the laws and regulations relating to hunting
9 in the state of California is a crime.

10 (b) It is the intent of the Legislature to make unlawful the
11 taking of birds or mammals located both in state and out of state,
12 if technology is used to aim and discharge a weapon used in the
13 taking without the hunter being physically present.

14 SEC. 2. Section 3003 is added to the Fish and Game Code, to
15 read:

16 3003. (a) It is unlawful for any person subject to the
17 jurisdiction of this state to participate in computer-assisted
18 remote hunting for the purpose of taking any bird or mammal
19 located either in this state or out of state.

20 (b) It is further unlawful to establish or operate a
21 computer-assisted remote hunting site in this state for the purpose
22 of permitting the taking of any bird or mammal.

23 (c) It is unlawful to possess or confine any bird or mammal in
24 furtherance of an activity prohibited by this section.

25 (d) It is unlawful for any person in this state to import into, or
26 export from, this state any bird or mammal, or any part thereof,
27 that is taken by computer-assisted remote hunting.

1 (e) Any bird or mammal, or any part thereof, that is possessed
2 in violation of this section shall be subject to seizure by the
3 department.

4 (f) For the purposes of this section, “computer-assisted remote
5 hunting” means the use of a computer or any other device,
6 equipment, software, or technology, to remotely control the
7 aiming and discharge of any weapon, including, but not limited
8 to, any firearm, bow and arrow, spear, slingshot, harpoon, or any
9 other projectile device, to hunt any bird or mammal.

10 SEC. 3. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the
15 penalty for a crime or infraction, within the meaning of Section
16 17556 of the Government Code, or changes the definition of a
17 crime within the meaning of Section 6 of Article XIII B of the
18 California Constitution.